

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

NICOLAS BELL,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
UNION PACIFIC RAILROAD COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Union Pacific Railroad Company (“Union Pacific”), by and through its undersigned attorney, files this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, of an action filed in the District Court of Minnesota, Tenth Judicial Circuit, Anoka County, entitled “*Nicolas Bell v. Union Pacific Railroad Company*” currently pending there. In support of this notice, Union Pacific states as follows:

1. Attached as Exhibit 1 is a true and correct copy of the Complaint. The Complaint has not yet been filed in the District Court of Minnesota, Tenth Judicial Circuit, Anoka County.
2. Union Pacific was served with the Summons and Complaint on June 10, 2020. A true and correct copy of the papers served upon Union Pacific are attached to this filing as Exhibit 2.
3. No appearances have been filed by Union Pacific in the state court action. No other pleadings or orders have been entered in the pending state court action. A copy of this Notice of Removal will be promptly served upon Plaintiff and filed with the clerk of the state court.

4. Plaintiff's Complaint seeks recovery against Union Pacific under the theories of negligence, attractive nuisance, and strict liability.

5. Upon information and belief, Plaintiff is a resident of the State of Minnesota.

6. Union Pacific's principal place of business is in Omaha, Nebraska. It is incorporated in the State of Delaware.

7. Plaintiff's Complaint alleges that Plaintiff sustained injuries to his right foot leading to amputation as a result of the incident that is the subject of his Complaint. On information and belief, the amount in controversy, exclusive of interest and costs, is in excess of the jurisdictional requirement.

8. By virtue of the diversity of citizenship between the parties and the amount in controversy, this Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332(a) and (c) and, therefore, Defendant is entitled to remove this action pursuant to 28 U.S.C. §1441(a) and (b).

9. This Notice of Removal has been filed within 30 days after receipt of the Summons and Complaint, which were first received by Union Pacific on or after June 10, 2020. The Notice of Removal is therefore timely under 28 U.S.C. §1446(b).

WHEREFORE, Defendant Union Pacific Railroad Company prays that the instant civil action now pending in the District Court of Minnesota, Tenth Judicial Circuit, Anoka County, be removed to the United States District Court, District of Minnesota.

Dated: June 18, 2020

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

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Attorneys for Union Pacific Railroad Company

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the above and foregoing instrument was properly forwarded to all counsel of record as listed below by:

- ☐ United States Mail, postage prepaid and sealed;
- ☐ United States Certified Mail, postage prepaid and return receipt requested;
- ☐ Hand Delivery;
- ☐ UPS / Next Day Air;
- ☐ Facsimile Transmission;
- ☒ Local Rule 5.1 Electronic Case Filing (U.S.D.C., MN); and/or
- ☒ Email (pdf)

on June 18, 2020.

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s/ Sarah-Joël M. Privert
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